

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP APPEAL BRIEF -</b>
Todd Peterson et al.	)	<b>PATENTS</b>
Application No.: 10/806,750	)	Group Art Unit: 2872
Filed: March 22, 2004	)	Examiner: Joshua L. Pritchett
For: USE OF LIGHT SCATTERING	)	
PARTICLES IN DESIGN,	)	
MANUFACTURE, AND QUALITY	)	
CONTROL OF SMALL VOLUME	)	
INSTRUMENTS, DEVICES, AND	)	
PROCESSES	)	

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

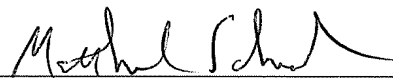
A Notification of Non-Compliant Appeal Brief was mailed on July 3, 2008. According to the Notification, the Substitute Appeal Brief filed June 26, 2008 is defective for failure to comply with 37 C.F.R. § 41.37(c)(1)(iii). The Notification indicates that the entire brief is not required, only the section that was found defective. Thus, Applicants submit herewith corrected page 4 of the Substitute Appeal Brief.

In the event that any additional fees are due with this submission, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 1, 2008

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**III. STATUS OF CLAIMS**

Claims 1-8, 14-16, 18, 19 and 32-35 are pending in this application and all claims stand rejected. Claims 1-5, 7, 8, 18, 19 and 32-35 stand rejected under 35 U.S.C. §102(e); claims 14-16 stand rejected under 35 U.S.C. §103(a); and claim 6 also stands rejected under 35 U.S.C. §103(a). Claims 9-13, 17 and 20-31 are canceled. The rejections of Claims 1-8, 14-16, 18, 19 and 32-35 are being appealed.